



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,134	01/20/2004	Yasuyuki Koyagi	65326-031	6665

7590 10/19/2005

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

RAO, G NAGESH

ART UNIT	PAPER NUMBER
----------	--------------

1722

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/759,134	Applicant(s) KOYAGI ET AL.	
	Examiner G. Nagesh Rao	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1) Claims 1-3, 5-10, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US Patent No. 6,500,378).

Smith 378 teaches an apparatus for creating three-dimensional objects by cross sectional lithography, whereby it is comprised of an energy source (8) which provides a source of ultraviolet or UV light reading on a light source, a holding container (12) to hold said resin material, a spatial light modulator (4) directed by suitable algorithms from the computer control system (2) to tilt specific mirrors in at least one of two directions, whereby the mirrors used are of a digital micromirror device (DMD) which are available to provided a 1280 by 1024 array of 1,310,720 individual mirrors (Col 9 Lines 16-28), thereby reading on spatial light modulator comprised of a plurality of micromirrors and a controller system capable of controlling tilt angles of said plurality of micromirrors that would be capable of controlling the quantity of irradiation light for each of a group of irradiation region

on said photosensitive material among more than two levels, said group of irradiation regions corresponding to said plurality of micromirrors (Col 9 Lines 41-49).

Furthermore there is an elevator platform (16) along with the apparatuses computer controller system that is capable and allows for a changing distance between a position where luminous fluxes going toward said group of irradiation regions are focused and a surface of said photosensitive material (Col 6 Lines 15 20 and Lines 66-67 and Col 7 Lines 1-43).

Smith 378 also teaches the computer control system that reads on a type of controller comprised of a computer which contain CPU's thus reading on electronic circuit as defined by applicant's specification, data storage, CAD data, and appropriate interface control software to process any one of CAD solid model data, geometry out put data, etc... thus enabling the system in conjunction with the spatial light modulator to be capable of enabling a relation between a quantity of irradiation light for one exposure region on a photosensitive material and an exposed depth of said photosensitive material (Col 6 Lines 20-46).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
- 2) Claims 4, 11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US Patent No. 6,500,378) in view of Hagenau (US Patent No. 6,051,179).

From the aforementioned Smith 378 pertains to an apparatus for creating three-dimensional objects by cross sectional lithography.

However Smith 378 albeit teaches a computer controller system that would be capable of acting in a measuring device capacity, it fails to explicitly teach that limitation.

In an apparatus related to stereolithography processing via a three-dimensional models by spatial light modulators, Hagenau 179 teaches an apparatus similar in operation and function to that of Smith 378, whereby it teaches a controller system comprised of a computer and CAD system with a specified step 31 that involves post processor operator action for the system that aid in specifically measuring out the plurality of exposure regions and capable of measuring heights of a photosensitive material which is developed after irradiation and enabling such controller to make a table on the basis of said exposure values and said heights of photosensitive material at said plurality of exposure regions Cols 12-13 Lines 1-68).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to G. Nagesh Rao whose telephone number is (571) 272-2946. The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GNR



ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300-1700

10/17/05